

## Message Text

CONFIDENTIAL

PAGE 01 SANTIA 10314 282201Z  
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00  
SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-07 L-03  
PA-01 PRS-01 SP-02 SS-15 TRSE-00 AID-05 HA-05  
/060 W

-----025693 282206Z /62

O 282133Z DEC 77  
FM AMEMBASSY SANTIAGO  
TO SECSTATE WASHDC IMMEDIATE 7622

C O N F I D E N T I A L SANTIAGO 10314

E.O. 11652: GDS  
TAGS: SHUM PGOV CI  
SUBJECT: PINOCHET'S PLEBISCITE IN TROUBLE

REF: SANTIAGO 10312

1. SUMMARY. UNLESS PINOCHET CAN REACH AGREEMENT WITH THE OTHER MEMBERS OF THE JUNTA IT IS INCREASINGLY LIKELY THAT THE "NATIONAL CONSULTATION" WILL BE POSTPONED OR SCRUBBED. END SUMMARY.

2. DECEMBER 28 THE COMPTROLLER GENERAL RETURNED TO THE MINISTRY OF INTERIOR THE DECREE SETTING THE GROUND RULES FOR THE NATIONAL CONSULTATION CALLED BY PINOCHET FOR JANUARY 4. THE COMPTROLLER GENERAL'S OFFICE SAID THAT THE REASONS FOR REJECTING THE DECREE WERE CONFIDENTIAL BUT THAT IT LACKED "LEGAL BASIS." (COMMENT: THE COMPTROLLER GENERAL IS A POWERFUL FIGURE IN THE GOC AND HIS REFUSAL TO APPROVE NUMEROUS ALLENDE-ERA REGULATIONS PLAYED A MAJOR ROLE IN DISCREDITING THE UP GOVERNMENT. UNDER THE JUNTA A SUPREME DECREE IS AN EXECUTIVE REGULATION WHICH MUST BE FOUNDED ON AN EXISTING LAW. PER REFTEL, PINOCHET HIMSELF HAD TOLD THE COUNTRY DECEMBER 27 THAT THERE WERE NO LAWS PROVIDING FOR THE CONSULTATION HE WAS PROPOSING.)  
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3. THE COMPTORLLER IS ALSO SAID TO HAVE NOTED THAT SHOULD THE GOC PASS A DECREE LAW, HE WOULD NOT BE ABLE TO OBJECT. THE CATCH: A DECREE LAW REQUIRES THE SIGNATURES OF ALL FOUR JUNTA MEMBERS.

4. WE HAVE BEEN TOLD BY CHRISTIAN DEMOCRATIC SOURCES

THAT THE COUNCIL OF STATE RECOMMENDED TO PINOCHET DECEMBER 28 THAT THE "CONSULTATION" BE POSTPONED AND THE WHILE SUBJECT STUDIED BY THE COUNCIL. WE HAVE ALSO LEARNED THAT THE JUNTA HELD A LONG SESSION STARTING AT 10:00 A.M. DECEMBER 28.

5. COMMENT: PINOCHET HAS FOUR POSSIBILITIES AT THIS POINT IF HE WANTS TO PROCEED WITH THE PLEBISCITE -- NONE VERY GOOD. HE CAN WAIT UNTIL THE INCUMBENT COMPTROLLER GENERAL DEPARTS DECEMBER 31 AND THEN NAME A PERSONAL LOYALIST (JUSTICE MINISTER MONICA MADARIAGA IS A RUMORED SUCCESSOR). BUT SHE WOULD HAVE TO OVERRULE HER OWN LEGAL DEPARTMENT AND THREATEN THE INSTITUTIONAL FUTURE OF THE COMPTROLLER'S OFFICE -- HERETOFORE A HIGHLY RESPECTED INSTITUTION. SECOND, A SUPREME DECREE CAN BE PASSED OVER THE COMPTROLLER'S OBJECTION WITH THE SIGNATURE OF ALL THE CABINET. HOWEVER, THE CABINET INCLUDES AIR FORCE AND NAVY OFFICERS WHO PRESUMABLY WOULD REFUSE TO SIGN. IN THIS REGARD WE HAVE BEEN TOLD BY PDCER'S THAT FOREIGN MINISTER (AND ADMIRAL) CARVAJAL DRAFTED THE NAVY'S TERSE OBJECTION TO PINOCHET'S PLAN. THIRD, PINOCHET COULD GO AHEAD WITHOUT ANY AUTHORIZATION AT ALL -- A RISKY DECISION. MORE LIKELY, AS MATTERS NOW STAND, LEIGH AND MARINO MAY FORCE PINOCHET TO COME TO TERMS WITH THEM AS THE PRICE FOR AGREEING TO SOME KIND OF PLEBISCITE. THIS WOULD PERMIT ISSUANCE OF A DECREE LAW. THERE IS OF COURSE AN INCREASING POSSIBILITY THAT THE CONFIDENTIAL

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PLEBISCITE WILL BE POSTPONED OR CANCELLED.  
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## Message Attributes

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**Review Markings:**  
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